

571—15.3(483A) Lost or destroyed license blanks.

15.3(1) *Accountability for license blanks.* Whenever a depositary appointed by the director or a county recorder requests to be relieved from accountability for license blanks that have been lost or destroyed, the depositary or recorder shall file a bond for the face value of such lost or destroyed license blanks and provide an explanation to the director.

15.3(2) *Explanation.* The depositary or recorder must submit a written statement in the form of an affidavit regarding the facts and circumstances surrounding the alleged loss or destruction. Pictures, drawings, or other pertinent information may be attached and referenced in the statement. The loss or destruction must relate to one or a combination of the following reasons:

- a.* Loss or destruction by fire.
- b.* Loss from theft.
- c.* Loss while in transit.
- d.* Loss from natural causes, including but not limited to floods, tornadoes, and severe storms.
- e.* Loss or accidental destruction in a course of normal business operations or facility maintenance and repair.

The statement must also include a specific description of the precautions and procedures normally utilized by the recorder or depositary to prevent or to guard against the loss or destruction described, and a further statement as to why the precautions or procedures failed in this particular instance.

15.3(3) *Review and determination by director.* The director shall consider the written explanation as provided. The director shall also consider the past record of the depositary or recorder regarding losses and destructions; the past record of the depositary or recorder regarding prompt and accurate reporting; and may direct further investigations into the circumstances and facts by department staff.

If the director determines that the depositary or recorder exercised reasonable and prudent care, the director shall relieve the depositary or recorder of accountability upon the filing of a bond.

If the director determines that there was gross negligence by the depositary or recorder and holds the depositary or recorder accountable, the depositary or recorder may file a request for a contested case proceeding as provided in the Iowa Administrative Code 571—Chapter 7.

15.3(4) *Bond.* The depositary or recorder shall provide a bond in the amount of the face value of the lost or destroyed licenses on a bond form provided by the department. The bond will be conditioned to the effect that the depositary or recorder agrees to surrender the subject licenses to the department in the event that they are located at any future time; or in the event of proof showing that any or all of the subject licenses have been issued, the depositary, recorder, or sureties jointly and severally agree to pay the state the face value of all licenses covered by the bond.

For a face amount of \$500 or less, the personal bond of the depositary or recorder is sufficient. One additional personal surety is required for a face amount up to \$1,000; and two personal sureties, in addition to the depositary or recorder, are required if the face amount is over \$1,000.

A corporate surety authorized to do business in Iowa may be provided in lieu of the personal sureties required, in addition to the depositary or recorder.

The value assigned to a lost or destroyed blank license form shall be \$25. This amount will be paid by the depositary to the department, except as relief from such payment is provided according to subrules 15.3(1) to 15.3(3).